

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

PAULINE S. McLEAN, as Mother
and Natural Guardian of
WILLIAM F. ELMQUIST and
E. TREVOR ELMQUIST, Minors

Claim No. CU -4799

Decision No. CU

4126

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

Claimants, PAULINE S. McLEAN, as Mother and Natural Guardian of WILLIAM F. ELMQUIST and E. TREVOR ELMQUIST, Minors, who owned stock interests in the Iberia Machinery Company, S.A., asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$6,000.00, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Raphael Katzen Associates International, Inc. (Claim No. CU-0660 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on October 24, 1960, and that this type of claim is allowable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of common stock in the amount of \$142.9603.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Katzen decision; that they were American nationals at the requisite times; that they each have been the owners of 30 shares of common stock in the Iberia Machinery Company, S.A. since prior to October 24, 1960; and that they each suffered a loss in the amount of \$4,288.81 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 24, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Katzen, supra.)

CERTIFICATION OF LOSS

The Commission certifies that PAULINE S. McLEAN, as Mother and Natural Guardian of WILLIAM F. ELMQUIST, a Minor, suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Four Thousand Two Hundred Eighty-eight Dollars and Eighty-one Cents (\$4,288.81) with interest at 6% per annum from October 24, 1960 to the date of settlement; and

The Commission certifies that PAULINE S. McLEAN, as Mother and Natural Guardian of E. TREVOR ELMQUIST, a Minor, suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Four Thousand Two Hundred Eighty-eight Dollars and Eighty-one Cents (\$4,288.81) with interest at 6% per annum from October 24, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

OCT 21 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimants establish retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

CU-4799